

**REMARKS**

Claims 5-9 have been examined and have been rejected under 35 U.S.C. § 103(a).

**I. Preliminary Matters**

The Examiner has objected to claim 5 since the “end head” of line 5 should recite “head end”. Accordingly, Applicant has amended claim 5 as suggested by the Examiner. Such amendment is not made in view of the prior art and does not narrow the scope of the claim.

**II. Rejections under 35 U.S.C. § 103(a) in view of U.S. Patent No. 6,160,545 to Eyer et al. (“Eyer”)**

The Examiner has rejected claims 5-9 under 35 U.S.C. § 103(a) as being unpatentable over Eyer.

**A. Claim 5**

Applicant submits that claim 5 is patentable over the cited reference. For example, claim 5 recites that a digital head end commonly transmits program data to a terminal of each area, where the program data indicates digital programs of not-yet-provided services for the plurality of areas.

On pg. 3 of the Office Action, the Examiner refers to column 9, lines 24-29 of Eyer, as disclosing the claimed program data. However, the cited portion of Eyer merely discloses that the microprocessor 170 of an IRD (i.e. alleged terminal) can discard or ignore IPG data (i.e. alleged program data) for programs that are not defined within a channel map stored in the IRD.

Amendment under 37 C.F.R. § 1.111  
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As stated above, the claimed program data is commonly transmitted to all areas. On the other hand, in Eyer, the alleged program data is pre-stored in the terminals of each area. Therefore, Eyer fails to disclose that data, which indicates digital programs of not-yet-provided services, is transmitted to the IRD. Further, it appears that the channel map of each IRD is only concerned with programs that are not defined within the respective IRD. On the contrary, the program data of not-yet-provided services recited in claim 1 is “commonly” transmitted to all areas, and thus to at least two different terminals in different areas. Accordingly, the method of discarding programs in Eyer is completely different from the features recited in claim 1.

Also, claim 5 recites that the claimed program data transmitted to the terminal contains identifying data that indicates digital programs of not-yet-provided services. During the May 18, 2004 Examiner Interview, the undersigned noted that the IPG data of Eyer does not specifically indicate programs of not-yet-provided services. In particular, Eyer fails to teach or suggest that the IPG data has “identifying data” which indicates programs of not-yet-provided services in a respective area or areas, and that such identifying data is transmitted to the IRD. As stated above, the IRD discards programs that are not defined in a channel map of the IRD, rather than programs that are specifically defined in identifying data that is transmitted to the IRD. Accordingly, Applicant submits that Eyer fails to teach or suggest the claimed program data.

As noted in the May 18, 2004 Examiner Interview Summary, the Examiner indicated that the claim language will be reconsidered upon receipt of Applicant’s formal response.

Claim 1 further recites that an area code is transmitted to the terminals separately from the program data.

The Examiner maintains that the above recitation is disclosed in col. 21, lines 23-30 of Eyer. However, Applicant respectfully disagrees. For example, the cited portion of Eyer discloses that auxiliary data for assigning a region (i.e. alleged area code) is transmitted with a terrestrial broadcast (i.e. alleged program data) in a video blanking terminal (VBI) (col. 21, lines 26-29). Assuming *arguendo* that the auxiliary data discloses the claimed area code and the terrestrial broadcast discloses the claimed program data, Eyer discloses that such data are sent together (i.e. “with”), rather than separately, as recited in claim 1. By being sent together, Applicant submits that all area information, i.e. region assignments, must be sent to every IRD. On the other hand, since the area code of claim 1 is sent separately from the claimed program data, the terminal or respective area only receives its respective area code, rather than area code information for every area.

In view of the above, Applicant submits that claim 1 is patentable over the cited reference, and respectfully requests the Examiner to reconsider and withdraw the rejection.

#### **B. Claims 6, 7 and 9**

Since claims 6, 7 and 9 are dependent upon claim 5, Applicant submits that such claims are patentable at least by virtue of their dependency.

#### **C. Claim 8**

Since claim 8 contains features that are analogous to the features recited in claim 5, Applicant submits that claim 8 is patentable for at least analogous reasons as presented above.

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### **III. Newly Added Claims**

Applicant has added claims 10 and 11 to provide more varied protection for the present invention.

### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Allison M. Tulino  
Registration No. 48,294

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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